

**MINUTES
CITY OF LAKE ALFRED
CITY COMMISSION
MONDAY, JULY 6, 2020
CITY HALL**

Call to Order: Mayor Nancy Daley

Invocation and Pledge of Allegiance: Pastor Wilson Diaz

Roll Call: Those in attendance were Mayor Nancy Daley, Vice Mayor Jack Dearmin, Commissioner Brent Eden, Commissioner Charles Lake, and Commissioner Albertus Maultsby.

Staff in attendance: City Manager Ryan Leavengood, Assistant City Attorney Crawford, Community Development Director Amée Bailey, Public Works Director John Deaton, Finance Director Amber Deaton (via Zoom), Police Chief Art Bodenheimer, and Parks and Recreation Director Richard Weed.

City Managers Announcements:

City Manager Leavengood stated staff has been in contact with BIS, the sound system supplier, and the sound system is scheduled to be changed out on July 23.

The County Emergency Operations Center has a noon conference call every Monday to update elected officials around the County. Dr. Jackson, head of the Polk County Health Department, relayed the number of COVID-19 cases in Polk County at being over 5,000 cases; it has doubled in the past two (2) weeks. The median age is forty-one (41). The virus is working its way into the younger demographics. Seventeen percent of the test performed last week were positive, a significant increase. The concern is the hospitals are reaching near capacity, Pinellas County is reporting they are at or above capacity.

The City has suppressed the utility billing collections for three (3) months going into the closure. The City will offer a payment plan for the individuals that did have delayed bills up to six (6) months.

Police Chief Bodenheimer and Officer Gettle demonstrated one of the police vests options the Police department is looking at for purchase.

Mayor Daley asked if the vest is hotter than what they wear now.

Chief Bodenheimer stated the vest adds layers from the vest and inter vest, some of the vests they are looking at will not have the same layers.

Mayor Daley asked the City Manager if anyone on the conference call mentioned a mandatory ruling on wearing a mask in the County.

City Manager Leavengood stated no one suggested making masks mandatory during the call. The County is planning on buying and distributing them throughout the population.

City Attorney's Announcements:

No comments.

Recognition of Citizens:

Proclamation: Parks & Recreation Month

Mayor Daley read the proclamation and urged all citizens to experience the benefits by visiting our community parks and recreation resources. **Director Weed** accepted the proclamation thanked the commission and stated it has been a busy few years.

Presentation of CAFR and the Annual Audit

Mike Brynjulfson, President of Brynjulfson, CPA external auditor, reviewed the audit for the year ending September 30, 2018. He reviewed the documents included in the packets, including the Financial Statements, Report on Internal Control and Compliance, Trend and Analysis, Management Letter, Compliance Report, and Letter to the Members of the City Commission.

Overview

- Report on the Financial Statements – Unmodified “Clean” audit opinion with no material errors. Implementation of New Accounting Standards –GASB 75 – OPEB.
- Report on Internal Control & Compliance – No material Weakness or significant deficiencies reported. No instances of non-compliance reported.
- Compliance report with Section No instances of non-compliance with Section 218.415, Florida Statutes - Local Government Investment Policies.
- Management Letter – No findings reported.
- Governance Letter to the Members of the City Commission – no disagreements with management or difficulties encountered while performing the audit.

General Fund Snapshot

- On September 30, 2019, the unassigned and assigned fund balance was \$1,234,275.
- This would provide 2.27 months without any revenue coming into the City.
- City trend showed 19%; and is above the minimum 15% fund balance policy established by City and the industrial standard. This will fluctuate based on cash flows.
- Total revenues for 2019 were \$5,304,550 up \$248,722 from last year.
- Total expenditures for 2019 \$6,526,361 a increase from 4,951,939 in 2018. Capital outlay was up 393% from 2018
- For every dollar brought into the City, as a percentage, in 2019, revenue subceeded expenditures by 23%.

Enterprise Fund Snapshot

- Total Net Position in 2019 (the equivalent of fund balance in the general fund) was \$11,736,727.
- Unrestricted Net Position (equivalent to unassigned fund balance in the general fund) was \$2,050,039.
- This would provide 9.17 months without any revenue coming into the City.
- Net position as a percent of revenues was 76.39%.

- For every dollar brought into the City, as a percentage, in 2019, revenues exceeded expenditures by 18% gross profit. (Does not include interest or operating transfer expenses).
- After operations, paying debt, and interfund transfers, the enterprise fund had a deficit of \$41,582.

Overall Snapshot

- Unrestricted cash and investment include proprietary funds and governmental funds for a total of \$3,369,007.
- Major capital asset additions during the 2019 fiscal year included the following:
 - City Hall sound system improvements- \$29,965
 - Computer system upgrades- \$47,574
 - (2) Police vehicles- \$76,166
 - Speed control trailer- \$10,000
 - (2) Light towers- \$6,000
 - Land Purchases- 16,000
 - Sanitation vehicle- \$148,479
 - Metal warehouse- \$74,165.
 - Crane- \$18,900.
 - Brush cutter- \$5,370.
 - Donated water infrastructure- \$253,849
 - Donated sewer infrastructure- \$345,785
 - Donated stormwater infrastructure- \$209,085
 - Donated roadway networks- \$608,712
 - Donated sidewalks- \$13,984
 - Road resurfacing- \$217,881
 - Public works building- \$348,290
 - Public works building signage- \$2,130
 - Public works building land- \$26,100
 - Parks and recreation vehicle- \$25,903
 - Parks and recreation equipment and improvements- \$344,894

Mike Brynjulfson stated the General Employee Pension Plan at year-end was \$257,874. or 94% funded. The Police and Fire Pension Plan was overfunded or an asset to the City at 101%. The average funding level of 450+ public pension plans in the State of Florida was 80%. He said he also tracks the Long-Term Obligations per Capita, and that shows Lake Alfred is the second-lowest in the County. The audit reports afford many avenues to point out negatives findings, non-compliance, or inconsistencies. Management at Lake Alfred does a wonderful job and makes it easy to complete the audit.

City Manager Leavengood stated the City will see more of a sawtooth pattern since the City has been spending its own money instead of utilizing a debt service.

Mayor Daley stated the City appreciates Mr. Brynjulfson. The graphs are easily understandable, and the effort is appreciated.

Commissioner Eden pointed out the items in the Capital Outlay was for long-term investments. He looks for the strategic purchases, and how much the City saves by buying now instead of waiting.

Mayor Daley asked the audience if they had any comments on the audit report. Seeing no one, she thanked Mr. Brynjulfson for his presentation.

Consent Agenda:

Mayor Daley asked if the Commissioners would like to discuss any of the items on the Consent Agenda.

Commissioner Lake moved to approve the Consent Agenda, seconded by **Vice Mayor Dearmin**. A unanimous voice call vote approved the motion.

Agenda:

1.) Public Hearing: Ordinance 1432-20: ILP Lake Alfred LLC and ILP Lake Alfred II LLC, Sunset Road

Assist City Attorney Crawford read the ordinance title.

City Manager Leavengood stated pursuant to Florida Statutes Chapter 171, the City may consider the annexation of unincorporated areas of a county that are contiguous to the municipality, compact, and will not create an enclave. The applicant has submitted a voluntary annexation petition pursuant to Chapter 171.044 to request the annexation of three parcels into the city limits of Lake Alfred. The properties are located west of Lynchburg Rd. The applicant is seeking annexation for the purposes of receiving additional city services and the possible addition of more mobile homes. The three properties total approximately 14.51 acres. Currently, there are 86 mobile home units across the two mobile home parks and one mobile home on a 0.14-acre lot

The annexation area is contiguous to the City. The three properties are developed as mobile home parks. The City currently provides potable water services for the larger mobile home park. The smaller mobile home park is connected to the water for all units and has two out of 10 units connected to wastewater.

The current taxable value of the properties is \$2,515,101, and based on the City's millage rate of 7.2390 mills, the expected annual tax revenue would be approximately \$18,206.82.

The proposed ordinance annexes the property into the city limits; assignment of future land use and zoning classifications will be assigned in the future.

Staff recommended approval of Ordinance 1432-20 on second and final reading.

Mayor Daley opened the public hearing, seeing no one closed the public hearing.

Commissioner Maultsby welcomed the property owners to the City and moved to approve Ordinance 1432-20 on second and final reading, seconded by **Commissioner Lake**. A unanimous voice call vote approved the motion.

2.) Ordinance 1435-20: Wales Rezoning

Assist City Attorney Crawford read the ordinance title.

City Manager Leavengood stated the applicants have requested to re-zone their property located at the intersection of CR557 and CR 557A in the Green Swamp Area of Critical State Concern. The Future Land Use (FLU) directs the character and magnitude of development, and zoning provides the density and development requirements. The application requests to change the zoning from Very Low-Density Residential (R-1AAA) to Neighborhood Convenience Center (C-4). There is currently one site-built single-family residence on the parcel.

In August 2005, Ordinance 1111-05 annexed the property into the City of Lake Alfred as part of a 225.75± acre tract. It was assigned the FLU of Very Low- Density Residential via Ord. 1120-05. In 2010, the FLU category of Neighborhood Convenience Center-Limited (NCC-Limited) was developed and assigned to the property through Ordinance 1276-10. The intent of the Policy 1.1.10 of the Comprehensive Plan is to provide for low-impact, low-intensity commercial, office and institutional uses such as convenience stores, gas stations, offices, restaurants and drug stores to service residents of the City and the Green Swamp ACSC. However, the zoning was not changed to correspond with future land use.

Staff finds that the request to change the zoning district is consistent with the City of Lake Alfred FLU element of the Comprehensive Plan and the Unified Land Development Code. The parcel's current zoning district is incompatible with its FLU, and changing the zoning district to C-4 will make the zoning district compatible with the existing FLU, and enables future development that is compatible with existing activities in the area.

On February 25, 2020, and after holding a public hearing, the Planning Board unanimously (5:0) recommended approval of the requested zoning change.

Staff recommended approval of Ordinance 1435-20 on second and final reading.

Mayor Daley opened the public hearing, seeing no one closed the public hearing.

Justin Wales, son of property owner and resident, stated they appreciate the work the City has done on their behalf. With the widening of CR557, there will be a new traffic pattern in front of their existing business. They want to direct customers coming from either direction to the new entry.

Mayor Daley seeing no one else closed the public hearing.

Commissioner Lake moved to approve Ordinance 1435-20 on second reading, seconded by **Commissioner Eden**. A unanimous voice call vote approved the motion.

3.) CHARTER REVIEW COMMITTEE

City Manager Leavengood stated Section 5.04 of the City Charter requires that every ten years in conjunction with the decennial national census that the City Commission shall appoint a committee to review the Charter. The committee will provide input and provide recommendations to the City Commission regarding any suggested amendments and revisions to the Charter.

On February 17, 2020, a discussion item was presented to the City Commission regarding the appointment of the charter committee. The general leaning was for each Commissioner to appoint a single member to the committee. Committee meetings will be noticed and open to the public for those that wish to participate in addition to the formal committee members.

A report will be generated based on the review and recommendations of the committee for the City Commission's consideration. Any recommended changes that the City Commission desires to advance will require an ordinance to place those items on the ballot for consideration in a referendum in 2021. If the City Commission approves the list of names, there will be a kickoff meeting by the end of the month.

List for the Charter Review Committee:

Brenda Arnold
John Duncan
Herb Nigg
Ron Schelfo
Loretta Vittorio

Mayor Daley stated the diversity of the group is a true microcosm of the City.

Vice Mayor Dearmin asked if there will be a calendar time set up for the committee.

City Manager Leavengood stated if the Commission approves the committee staff will reach out and coordinate with the member's schedules. With the options available, the members that choose not to attend in person could Zoom in for the meetings.

Vice Mayor Dearmin moved to approve the Charter Review Committee as presented, seconded by **Commissioner Maultsby**. A unanimous voice call vote approved the motion.

4.) PRESENTATION & DISCUSSION: DRAFT ULDC REWRITE

City Manager Leavengood stated The City of Lake Alfred is considering text amendments and overall revisions of the City of Lake Alfred's Unified Land Development Code (ULDC). The amended and updated version of the ULDC will be completely restructured and reformatted, along with revisions to key concepts, policies, regulations, and processes throughout the ULDC. The proposed changes include, but are not be limited to, standards of development and categories of use for existing and proposed zoning districts, site development and public improvement regulations, and development regulations governing the Green Swamp Area of Critical State Concern.

On June 30, 2020, the Lake Alfred Planning Board held a workshop to discuss proposed text amendments to Chapters 2, 3, 4, 5, and 7 of our Unified Land Development Code (ULDC). These chapters represent the substantive policy elements and cover District Regulations, Use Standards, Site Development, Public Improvements, and Resource Protection. The City Commission is being presented with the same chapters tonight for discussion and feedback.

The completed final draft is planned to be presented as action items to the Planning Board and City Commission in August.

Usually, when the City goes through a rewrite or amendment, the Commission would see the draft product at first reading after going to the Planning Board. Because the ULDC is so large, staff

wanted to start the project slowly. The Planning Board is inciteful to what the City is trying to achieve with the rewrite, as they are the ones that use the ULDC most.

Director Bailey stated the Planning Board presentation included a recap with the stakeholder feedback of what the City is doing and why. There was a focus on the reorganization, that is a big part of the rewrite. There were discussions on the significant parts of chapters 2,3,4,5 and 7.

The Code is a patchwork of changes over time, but the standards have not been brought up to the present time. There was also discussion on making the Code more user friendly and easily transferred to the web with active links. The Board would like to see the zoning districts consolidated, and taking some of the ideas from the Downtown Overlay District and incorporating them into other places in the City. Developers would like to see greater flexibility in the design standards for the lots and houses, with a broader type of houses. Long time residents want to maintain the character of the City while also preserving the open spaces, lake access, and parks. The Board discussed the Green Swamp and the opportunities that could occur there. The chapter that changed most is chapter three (3) it has been moved into chapter four (4) and five (5), the Site Development and Public Improvements.

Director Bailey explained the changes in zoning, organization, and consolidation of the districts and what the changes mean for developers.

Mayor Daley asked if the City established zoning that allowed a warehouse in the Green Swamp if a developer came in with plans for a warehouse, would the City have recourse to refuse.

City Manager Leavengood stated the developer would have to apply for a Future Land Use (FLU) change with the proposal.

Director Bailey stated the City would not assign FLU or Zoning categories in the Green Swamp. The existing zoning districts will be updated to the corresponding zoning districts that we have now, or where they will move.

Staff is removing the prohibition limiting commercial or industrial in the Green Swamp, opening the door for future opportunities, if it fits. Developers would have to go through public hearing process.

Mayor Daley asked if that would open the door for strip malls on CR557 because the City would not be able to say no as it would already be approved.

City Manager Leavengood stated the FLU determines what can be built in that zone. No other part in the City has such strict prohibition. Staff recommendation, the Planning Board and the City Commission would have the final decision.

Assistant City Attorney Crawford stated Future Land Use is a matter of policy that begins with the elected officials. That becomes the primary check under the system being proposed.

Director Bailey stated the tables in the ULDC has gone from eight (8) pages down to four (4), from the consolidation of the districts and uses. Another change in the tables is the usage key. Instead of "P" for permitted, "D" for a site development plan, or "C" for a conditional use, the City will change to "A" for an administrative review, "B" for a board review, and "C" for Commission review. Most of the categories in the new table are in or similar to the existing table.

Home occupations have also been addressed in the rewrite, which may be an office or something just as simple. It could be anything that does not change the residential character. Multi-family dwellings and accessory dwelling units have been addressed as well.

City Manager Levensgood stated with the new subdivisions, the land has been optimized. The lots will not have the space for an accessory building.

Mayor Daley expressed concern over fencing citing a fence in the City that has trees and grass alongside to decorate the fence. She asked who will maintain the fence, trees, and grass.

City Manager Levensgood stated this goes back to how restrictive does the City wants to be. Every possible iteration cannot be envisioned. If staff defines what the different tiers of roads are and what is allowed for each one.

Director Bailey continued explaining the changes in the rewrite, including fencing, parking, right-of-way. She stated the Code also defines streetscapes and their requirements, having sidewalks on both sides of the street, and having landscaped areas.

Mayor Daley stated she did not like sidewalks on both sides of the street, as it takes too much room, and due to residents not blocking the sidewalks in their driveways, they tend to park in the street. That creates a problem for emergency vehicles and garbage collection. The driveways should be long enough so residents can park in their driveway.

City Manager Levensgood stated this would be a policy call for the Commission. The Code cannot solve everything.

Mayor Daley stated she opposes parking in the street.

Commissioner Eden stated prohibiting parking in the street will limit people getting together for parties or celebrations.

Mayor Daley said that the get-togethers are different. She is referring to parking in the street every day. She stated she if for streets being more narrow to keep the speeding down, but residents should not park in the street for navigation purposes.

City Manager Levensgood stated staff could delineate this item to gain specific feedback from the Planning Board. When presented to the Commission for the first read, the Commissioners can weigh in and make a policy call.

Assistant City Attorney Crawford stated the Commission would receive a recommendation from the Planning Board. Which the Commission could either accept, accept with modifications, or reject. The Planning Board would do the research, send up their recommendation, and why then the Commissioner could make a policy call.

Director Bailey stated the next step is working in the comments that have been received from the Developers, Building Official and Engineers, and others. She said some things that staff would like to incorporate in the Code are awaiting the approval of current legal challenges. There have been discussions, and there are things that staff would like to add, but it is still under review.

Mayor Daley said Director Bailey has done an excellent job and asked if she had looked at the scenic highway ordinance in comparison to CR557. She would also like staff to review the

statement “all development in the Green Swamp is encouraged to be low impact” state, it shall, or it is required to be low impact, because may or encouraged does not work.

City Manager Leavengood stated the four (4) units per acre gives the City future-proofing. It works on the conservation side and affordability. The City may end up with lots that allow 40% impervious surface. The City has not seen that before. Beefing up the corridor provisions is something staff can review for the new Code.

Assistant City Attorney Crawford stated the Code is a work in progress, even on the day of its adoption. Not experimental but a new step moving forward.

Mayor Daley asked if the City could perform a corridor study and include the findings after the rewrite.

Assistant City Attorney Crawford stated it would become a text change and something that could be reviewed and changed at a later date.

Director Bailey stated that is the advantage of an overlay district. It is more flexible.

City Manager Leavengood stated the Code rewrite is building on what the City is in favor of and future-proofing what is being added. There will be resolutions and design standards that will change sections of the Code. There have been additional items that staff, in anticipation of, have laid the groundwork for, but that may require a new consultant with environmental expertise. They would complete the corridor study, and instead of adding another layer to the Code, it will be a clean interface with the overlay Code.

Mayor Daley asked if the Code governing the limit of boats at a dock could be changed to at least three (3) instead of the two (2) that is as it is in the old Code.

Vice Mayor Dearmin asked if the developments that are being built in surrounding areas have two (2) sidewalks or one (1).

Director Bailey stated most interconnected residential gridded type streets have sidewalks on both sides.

Assistant City Attorney Crawford stated it is unusual to see modern subdivisions built with only one sidewalk on the street.

Mayor Daley stated when the City was constructing Mackay Blvd. the discussion was that two sidewalks were required. The City made the concession; If a sidewalk were placed on only one side, it would be twice as wide to serve as a fitness trail.

City Manager Leavengood stated that it would be included in the research done by the Planning Board.

Mayor Daley opened the public hearing.

Vice Mayor Dearmin, thank the staff for the work done on the Code rewrite.

Brenda Arnold 435 W. Pierce St. thanked Chief Bodenheimer for the speed sign. She also thanked the City Manager and Director John Deaton, they came by to check on the TECO issue with her. She asked about parking in the street next to the mailbox.

City Manager Leavengood stated parking at your mailbox to get your mail is not the same as long-term parking in the street.

Mayor Daley stated when she speaks of a City Ordinance declaring street parking to be illegal. It would be for someone that parks in the street all the time, excluding parties or get-togethers.

Assistant City Attorney Crawford stated there are strategies to put in place to help with on-street parking. Parking limitations can be coupled with conduct regulations in the General Code that staff can look at and create a mechanism that can help enforce the policies in existing neighborhoods.

Director Bailey stated the policy is in the Code the City has now. Code Enforcement staff will work with the property owner. Parking in the Right of Way is enforced by the police department. The HOA's have the same standard, and they enforce the policy if it is private roads. If it is a public road, it falls on both the police department and the HOA.

City Manager Leavengood stated the Commission has already adopted the policy from Uniform Traffic from FL Statutes. The City can regulate parking now.

Discussion ensued regarding parking in subdivisions.

Mayor Daley closed the public hearing.

City Manager Leavengood stated that there is not an action item. Staff will review the comments and continue the process.

Commissioner Questions and Comments:

Commissioner Eden stated he appreciates the staff involved in the Code rewrite. It is essential to be flexible at the same time the City wants a quality product.

Commissioner Maultsby said he would like to thank Code Enforcement for the job they are doing. He would like Code Enforcement to check on a disabled vehicle and have them towed away. He asked for an update on the City-owned property.

City Manager Leavengood stated he had made contacts to help market the property. This fall, the City will start actively marketing the property, and remediation is well underway.

Director Bailey stated Ace Hardware has a new engineer, and their last submittal was more on task, and their goal is to complete the store by Christmas.

Commissioner Lake stated he is looking forward to part two (2) of the ULDC. He said there will be a virtual workshop on Long-Range Transportation on July 14, 2020. At the TPO meeting, he attended the presenters went over the plans for Lake Alfred. He asked for a traffic light at Cummings.

Director Bailey stated she is a part of the Transportation Advisory Committee (TAC), and the work plan for the lane re-purposing and the entire corridor has been pushed up a year, and the study area has been expanded. The City has an application to submit for short and mid-term issues. The City can do the striping on Pomelo at any time. The City has been sent an application for the removal of the extra lanes on Lake Shore. An application for the lights has been received to move the work up sooner.

Commissioner Lake said TPO also mentioned CR557 and what the plans are. He asked them about the trail scheduled for the side of the CR557.

City Manager Leavengood stated the TAC and staff can only take the issue so far. It takes everyone working together to move these issues along.

Vice Mayor Dearmin stated the ULDC is becoming a beautiful document that staff has put together. Everyone knows it is hard work. It is becoming what the City wants to see for the future.

Mayor Daley asked to, please, let Director Amber Deaton know the Commission was excited to have another excellent audit and thanked the Finance Department and City Manager. She urged everyone to stay safe amid the COVID -19 pandemic.

With no other business, Mayor Daley adjourned the meeting at 10:33 pm.

Respectfully Submitted,



Mamie Drane
Deputy City Clerk

Reviewed by,



Amée Bailey
City Clerk